



Nepal

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

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The interim Constitution, promulgated in January 2007, provides for freedom of religion; however, the interim Constitution specifically prohibits proselytizing.

The Government generally respected religious freedom during the reporting period, although on a few occasions it interfered with the practice of a religious group. The interim Constitution officially declared the country a secular state; however, the President, in his capacity as head of state, attended major Hindu religious ceremonies over which the King previously presided. No laws specifically affecting freedom of religion were amended. Members of minority religious groups occasionally reported police harassment. There was a marked increase in the harassment of the Tibetan community. Authorities stopped Tibetan religious gatherings with political overtones and arrested some participants. There was often substantial police presence at purely religious gatherings.

Adherents of the country's many religious groups generally coexisted peacefully and respected places of worship, although there were reports of societal abuses and discrimination based on religious affiliation, belief, or practice. Those who converted to a different religious group occasionally faced violence and were ostracized socially but generally did not fear admitting their affiliations in public.

The U.S. Government discusses religious freedom with the Government as part of its overall policy to promote human rights. The U.S. Embassy maintains regular contact with Hindu, Buddhist, Muslim, Christian, Jewish, and other religious groups.

Section I. Religious Demography

The country has an area of 54,363 square miles and a population of 29 million. According to the Government, Hindus constitute 86.51 percent of the population, Buddhists 7.79 percent, Muslims (the majority Sunni) 3.53 percent, and Christians and others 2.17 percent. Members of minority religious groups believe their numbers were significantly undercounted. Christian leaders conservatively estimated the number of their adherents at more than 1 million (3 percent). The National Churches Fellowship of Nepal reported an estimated 335 Christian churches operate in the Kathmandu Valley alone. According to a Jamme Masjid (mosque) official, there are at least 3,500 madrassahs.

Section II. Status of Religious Freedom

Legal/Policy Framework

The interim Constitution provides for freedom of religion and permits the religious practices of all groups; however, proselytizing is explicitly prohibited. The interim Parliament declared the country a secular state in the interim Constitution in January 2007.

The interim Constitution maintains the stipulation from the 1990 constitution that no one can be discriminated

against based on caste. In 2002 the Government constituted a National Dalit Commission charged with protecting and promoting Dalit (formerly called "untouchable") rights and ensuring active participation of the Dalit community in the country's development. The Ministry of Local Development allocates money to the National Dalit Commission to cover daily administrative costs and to launch programs in the 75 districts. The Commission has branches in all districts. In each district, a Local Development Officer chairs the meetings of the local commissions. The Commission also coordinates with local nongovernmental organizations (NGOs) involved in Dalit issues. The Commission submits an annual progress report to the Local Development Ministry. Despite the Commission's awareness programs, dalits continued to face discrimination and were often prevented by local villagers and Hindu priests from performing their religious rites or participating in cultural and religious festivals.

There are no specific laws favoring the Hindu majority, nor does the Government control the expression of Hinduism.

Although there are no registration requirements for religious groups, there are registration requirements for NGOs. Christian, Muslim, and Jewish religious organizations claimed that, unless registered, they were prevented from owning land, an important step for establishing churches, mosques, synagogues, or burial sites. An organization that provides religious services and kosher food to Jewish adherents (generally tourists) complained that it was not able to register as a religious organization or to open an institute for Jewish studies.

Proselytizing is illegal. There are officially no foreign missionaries; however, for decades dozens of Christian missionary hospitals, welfare organizations, and schools have operated. These organizations did not proselytize and otherwise operated free of government interference. Missionary schools were among the most respected institutions of secondary education; many members of the governing and business elite graduated from Jesuit high schools. Foreign workers in the missionary hospitals and schools entered the country with visas designating them as technical workers for local or international NGOs sponsoring the hospitals and schools. The Government enforced the immigration laws that provide for expelling any foreign workers found proselytizing. There were no expulsions during the reporting period. Many foreign Christian organizations had direct ties to local churches and sponsored pastors for religious training abroad.

Some holy days, most of them Hindu, are recognized as national holidays. These are Mahashivaratri, Falgun Purnima, Krishna Asthami, Dashain, Tihar, Maghi, and Chhath. Among the non-Hindu holidays celebrated are Lhosar (a Buddhist new year celebration observed on different dates by the Gurung and Tamang/Sherpa communities), Buddha Jayanti, Eid (Eid-al-Fitr), Christmas, and Ughauli (a Kirant ethnic/religious festival the Rai and Limbu communities celebrate).

Although public schools do not teach religious beliefs, most have a statue of Saraswati, the Hindu goddess of learning, on their grounds. Some begin the day with a Hindu prayer to the goddess.

The Government has no formal policy on interfaith understanding. A local NGO, the Interreligious Council of Nepal, consisting of representatives of the Hindu, Buddhist, Muslim, Christian, and Baha'i communities, is active in promoting peace in the country.

Restrictions on Religious Freedom

Tibetan Buddhists faced various restrictions, including outright interference and often an intimidating police presence during their religious celebrations. Local authorities tolerated celebration of Tibetan religious festivals only on private property. During one religious event on private property for which advance permission had been obtained, police confiscated and burned a picture of the Dalai Lama. The Government mounted a campaign of steadily increasing intimidation against the Tibetan community, successfully shutting down protest activities and

severely constraining even purely religious events.

Protests in the country that began with the March 2008 anniversary of the 1959 Lhasa uprising continued until September 2008, when authorities arrested and detained 130 protesters, eventually releasing some and turning the rest over to the office of the U.N. High Commissioner for Refugees.

Tibetans who arrived or were born after December 31, 1989, do not have legal status and are therefore vulnerable to implicit threat of deportation. Over the course of the reporting period, Tibetans routinely faced harassment and extortion by police and other authorities. Extortion amounts rose, with notable and localized incidents of extortion demands at a level so high the Tibetan victims were forced out of business or had to cease professional activities.

The law prohibits proselytizing, which is punishable by fines, imprisonment, or, for foreigners, expulsion. Personal conversion is, however, allowed. Some Christian and Muslim groups were concerned that the ban on proselytism limited the expression of non-Hindu religious belief. NGOs or individuals were allowed to file reports that individuals or organizations were proselytizing, and the Government investigated these reports.

On December 28, 2008, the Maoist-led Government announced its decision to replace the Indian priests at Pashupatinath Temple, one of the largest, oldest, and holiest Hindu temples, by appointing two Nepali priests. Local citizens and Bhandaris (priests) protested, demanding that the Government revoke its decision. No ritual ceremonies could be offered at the shrine for two to three days due to the controversy. The Supreme Court issued a stay order, and the Government backed down. At the end of the reporting period, the case remained before the Supreme Court. Controversy over new rules regarding the qualifications for priests as well as their pay and benefits was ongoing at the end of the reporting period.

Madrassahs, but not mosques, were required to register with local district administration offices (part of the Home Ministry) and supply information about their funding sources. Some Muslim leaders criticized the policy as discriminatory; however, in practice the registration requirement was not enforced. According to the Department of Education, 832 madrassahs have been legally registered with the District Education Offices (DEOs); the DEOs have been providing a minimum of financial support annually to those that are legally registered. Depending on the number of students, the financial support ranged from \$26 (2000 Nepali Rupees) per student to \$81 (6200 Nepali Rupees) per student. The Department also prepared curricula for the registered madrassahs. Muslims were not restricted from participating in the Hajj; the Government did not subsidize the pilgrimage.

The Constitution prohibits discrimination on the basis of caste; however, the caste system strongly influences society. Although the Government has stressed that caste-based discrimination is illegal and temple access for "lower castes" has improved in some areas, caste discrimination was frequently practiced at Hindu temples, where some Hindu priests forbade Dalits from entering.

There were no restrictions on the sale or possession of religious literature.

Civil servants were permitted to take religious holidays and celebrate them on private property without government interference.

There were no reports of religious prisoners or detainees.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States or who had not been allowed to be returned to the United States.

Persecution by Terrorist Organizations

The Communist Party of Nepal (Maoist) is a designated terrorist organization on both the U.S. Government's "Terrorist Exclusion List" of the Immigration and Nationality Act and under Executive Order 13224.

During most of the reporting period, Maoist ministers headed 12 ministries in the Government, including the Prime Ministry; the Ministry of Women, Children, and Social Welfare, which controls registration of NGOs; and the Ministry of Culture and State Restructuring.

In contrast with previous reporting periods, there were no reported incidents of Maoists restricting religious freedom in the country.

On May 23, 2009, three parishioners were killed and 13 others injured when a pressure cooker bomb exploded in a Catholic church in Kathmandu. The Hindu extremist National Defense Army claimed responsibility for the blast.

Investigations into the killing of Moid Khan, a local member of the Nepali Congress Party, and the subsequent communal violence that occurred in September 2007 ended when the Government decided to withdraw cases related to these incidents. A motion challenging the Government's decision remained before the courts at the end of the reporting period.

Section III. Status of Societal Respect for Religious Freedom

Adherents of the country's many religious groups generally coexisted peacefully and respected places of worship. Hindus generally respected the many Buddhist shrines located throughout the country; Buddhists accorded Hindu shrines the same respect. Buddha's birthplace at Lumbini, in the southern part of the country, is an important pilgrimage site, and his birthday is a national holiday.

On April 19, 2009, two Hindu priests in Kaski District were killed. According to police, 60-year-old Mukti Prasad Pokharel was disabled and 85-year-old Tarananda Paudel Giri was blind. Both were killed with sharp weapons. One person accused in the death of Pokharel was arrested and placed in custody. The name of one accused in Giri's death was released, but police reported they were looking for five others who were allegedly involved. According to police, neither killing was committed for religious reasons. Investigations were ongoing.

Some Christian groups reported that Hindu extremism has increased in recent years, especially after the 2006 Parliamentary declaration of the country as a "secular state" rather than a "Hindu Kingdom." Of particular concern were the local affiliates of the India-based Hindu political party Shiv Sena, locally known as Pashupati Sena, Shiv Sena Nepal, and Nepal Shivsena. This group was suspected of playing a role in the violence during the reporting period. On December 28, 2008, another Hindu fundamentalist organization, Ranbir Sena, claimed responsibility for a low-intensity bomb set off outside Durbar High School in Kathmandu. No casualties resulted.

Some citizens were wary of proselytizing and conversion by Christians and viewed the growth of Christianity with concern.

Those who chose to convert to other religious groups, in particular Hindu citizens who converted to Islam or Christianity, were sometimes ostracized. They occasionally faced isolated incidents of hostility or discrimination from Hindu extremist groups. Some reportedly were forced to leave their villages. Although this prejudice was not systematic, it was occasionally violent. Nevertheless, converts generally were not afraid to state publicly their new religious affiliations.

Some organizations faced threats and extortion from Hindu extremist groups. Jains and other religious minorities faced abduction and extortion attempts from groups that claimed to be Hindu extremist but possibly were simply thugs and criminal gangs using religious cover for their activities.

On March 18, 2009, seven persons were injured when a bomb exploded in front of Maisthan Temple in Birgunj. According to police, five persons, including Raj Bahadur Gosain, the local head of the Terai Mukti Morcha (Terai Liberation Front), were arrested in connection with the blast but later released. No group claimed responsibility. The investigation was ongoing at the end of the reporting period.

On October 4, 2008, unidentified assailants detonated a powerful bomb at a mosque in Morang District that injured four persons. No group claimed responsibility for the blast and no one had been arrested by the end of the reporting period.

On July 1, 2008, Father John Prakash, a Catholic priest and principal of Don Bosco school in Morang District, was killed. An armed group of men broke into the priests' residence, immobilized another priest, and killed Father Prakash after demanding money. The investigation was ongoing at the end of the reporting period. A Hindu extremist group was active in the area and continued to issue threats and extortion demands aimed at Christian groups.

Although it is prohibited under the Constitution, the caste system has deep historical roots in Hinduism and maintained strong influence on society. Societal discrimination against members of lower castes, including Dalits, remained widespread, despite the Government's efforts to protect the rights of disadvantaged castes. Lower castes experienced discrimination in areas including education, employment, and marriage. Other religious communities did not practice caste discrimination. Entrance into Hindu temples was often restricted for persons not of South Asian ethnicity, who are unlikely to be Hindu. Better education and higher levels of prosperity, especially in the Kathmandu Valley, were slowly reducing caste distinctions and increasing opportunities for lower socioeconomic groups. Better-educated, urban-oriented castes continued to dominate politics, as well as senior administrative and military positions, and to control a disproportionate share of natural resources. Resistance to intercaste marriage remained high.

On August 16, 2008, during Jani Purnima festival, a priest, Dipak Upadhayay, of Dailekh District refused to perform a sacred Hindu rite that involved tying the sacred thread around the hand of a Dalit, Shanta Bahadur Bishwokarma. Bishwokarma and Janklal Sunar, a Dalit rights activist, filed a complaint at the district court demanding legal action against Upadhayay. On April 13, 2009, the district court sentenced the local Brahmin priest to three months' imprisonment and fined him \$14 (1,000 Nepali Rupees) on the charge of practicing untouchability.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom with the Government as part of its overall policy to promote human rights. The U.S. Embassy maintained contact with Hindu, Buddhist, Muslim, Christian, Jewish, and other religious groups. The Embassy closely monitored religious freedom and raised the issue with the Government when appropriate. The Embassy also repeatedly protested the Government's disproportionate response to peaceful protests by Tibetan Buddhists.